

**MINUTES  
of the  
FOURTH MEETING  
of the  
INDIAN AFFAIRS COMMITTEE**

**September 14-15, 2004 - McKinley County Courthouse, Gallup  
September 16, 2004 - Twin Lakes Chapter, Navajo Nation**

Senator Leonard Tsosie, co-chair, called the fourth meeting of the Indian Affairs Committee to order on Tuesday, September 14, 2004, at 10:40 a.m. in the Commission Chambers at the McKinley County Courthouse in Gallup. Senator Tsosie asked Representative Patricia A. Lundstrom to act as co-chair for the meetings in Gallup.

**PRESENT**

Rep. James Roger Madalena, co-chair (9/14 & 9/15)  
Sen. Leonard Tsosie, co-chair  
Sen. Rod Adair (9/15)  
Rep. Ray Begaye (9/15 & 9/16)  
Rep. Irvin Harrison  
Rep. Patricia A. Lundstrom  
Sen. John Pinto (9/16)  
Sen. Lidio G. Rainaldi  
Sen. Nancy Rodriguez (9/16)

**ABSENT**

Sen. Raymond Kysar  
Rep. Don Tripp  
Rep. Avon W. Wilson  
Rep. Teresa A. Zanetti

**Advisory Members**

Rep. Fred Luna (9/16)  
Sen. Richard C. Martinez (9/15 & 9/16)  
Rep. Nick L. Salazar

Sen. Ben D. Altamirano  
Sen. Joseph J. Carraro  
Rep. Ben Lujan  
Rep. Debbie A. Rodella  
Sen. William E. Sharer  
Rep. W.C. "Dub" Williams

(Attendance dates are noted for members not present for the entire meeting.)

**Staff**

Charles H. Van Gorder  
Jennie Lusk

**Guests**

The guest list is in the meeting file.

Copies of all handouts and written testimony are in the meeting file.

**Tuesday, September 14 - Gallup**

**McKINLEY DEVELOPMENT FOUNDATION/GALLUP CHAMBER OF COMMERCE**

Chamber of Commerce Executive Director Herb Mosher announced the chamber's merger with the McKinley Development Foundation for purposes of fundraising, grant writing and planning. The chamber would remain primarily responsible for implementation. Among the projects being designed are a "bed and pueblo" (as opposed to bed and breakfast); a city-county indoor market area; and a museum publication, "Spirit of Zuni". Local businessman Ellis Tanner joined Mr. Mosher to talk about the need for clarifying funding and enforcement authority for Native American authenticity legislation passed recently. Staff was asked to investigate whether enforcement of the authenticity act is part of the attorney general's consumer protection line item and to remind the committee in November of the issue so that the committee can decide whether to carry a new bill clarifying enforcement authority and funding. Other development initiatives discussed included: the first Native American-accredited veterinary medicine program and clinic; potential site for a new Indian Health Service (IHS) hospital and getting that proposed facility on the IHS priority list; a Zuni dialysis center; the Native American All-Stars Tournament semi-finals; the Taste of Gallup; and Heritage Day.

Mr. Mosher also talked about a Rural School Leadership Academy, endorsed by education partner and Albuquerque Isotopes owner J. Martin "Mike" Koldyke. The academy will be comprised of mid-career degree-holders in other disciplines who wish to become teachers. Under the program, these professionals will be able to get teacher training while receiving a \$30,000 per year stipend. Upon becoming certified, the teachers commit to working in schools currently under corrective action by the Public Education Department (PED). Mr. Mosher and Gallup-McKinley County Superintendent of Schools Karen White have met with the lieutenant governor, who said the governor supports the leadership academy, but may prefer two sites – one in urban Albuquerque and one in a rural area. Gallup is interested in initiating the training at the Western New Mexico University campus. Staff was instructed to work with Superintendent White regarding a letter supporting the location of the academy in the Gallup area.

**"ADVENTURE GALLUP AND BEYOND" FUNDING SOURCES**

Mayor Bob Rosebrough introduced Evan Williams, who discussed "Adventure Gallup", an economic development initiative spearheaded by Representative Lundstrom in which hiking and mountain biking trails and rock climbing routes are being developed with a \$1 million bond approved by Gallup voters. The program will need a state match. Marianne Joyce discussed "ProActive Host" customer service training for hospitality employees. The program, which encourages training of host personnel in tourist areas, is funded through the city of Gallup lodgers' tax and the State Workforce Development Project. On questioning from Representative Salazar, Mayor Rosebrough discussed Gallup's problems with having a good water supply system, and said the city is working with the Interstate Stream Commission to develop a regional water system.

## **NAVAJO CHAPTER ECONOMIC DEVELOPMENT PROGRAM — MCKINLEY COUNTY**

Ernest Becenti, McKinley County commissioner, reported that the county has asked chapters to come together to develop plans expressing their community needs so that the county can do effective collaborative planning. The county has started comprehensive planning and wants to include all communities in developing the plan further, in part with the Council of Governments. Thus far, chapters at Red Rock, Bread Springs and Church Rock have begun to participate. The county will request legislative funds for the completion of community planning. Representative Lundstrom requested that the Indian Affairs Department (IAD) take a more active role in streamlining resolutions of jurisdictional problems that frustrate recipients who need services and projects, and IAD deputy cabinet secretary Michelle Brown-Yazzie reported that she is working on a joint powers agreement (JPA) template with the Navajo Nation Intergovernment Committee, so that a single JPA can be used for local projects with amendments, avoiding the need to go through a separate approval process for each project. Representative Lundstrom and Senator Tsosie emphasized the need to craft language in proposed legislation carefully. Senator Tsosie commented on the need to give money directly to the tribes and to use the county or another entity as the fiscal agent rather than the Navajo Nation. The committee asked staff to work on proper wording for a bill to fund local projects and to double-check the status of finance and appropriations for these chapter projects.

### **RURAL ECONOMIC DEVELOPMENT**

Mike Case, executive director of the Northwest New Mexico Community Development Corporation (NNMCDC), Bernice Tsosie, individual development account (IDA) coordinator for NNMCDC, Laurie Lerch, Tourism Department director of NNMCDC, and Alvin Thompson, president of the Church Rock Tourism Action Committee, gave a presentation on rural economic development. The NNMCDC encourages people to save and then matches savings funds on a three to one basis up to \$4,000 for participants who are successful in meeting their savings goals. The savings do not have an impact on Temporary Assistance for Needy Families (TANF) funds. Ms. Tsosie clarified that the matching funds are not from TANF state funds. On questioning from the committee, Ms. Tsosie explained that the total budget for the IDA is \$785,000 and that NNMCDC has now gone statewide, though it began with services in only San Juan, McKinley and Cibola counties. She said that participants, who generally meet their savings goal of \$4,000 within three years, have 100 percent control over their assets, but most target them for education or the purchase of a first home. Ms. Lerch discussed the "BOOST" (Business Ownership Opportunities in Support of Tourism) project of NNMCDC, which started last November. The program aims to help low-income clients aged 18 and over develop and focus on a business idea. Mr. Thompson presented the activities of the Church Rock Chapter in an effort to promote tourism, including an annual balloon rally and Indian markets.

## NAVAJO NATION ECONOMIC DEVELOPMENT

Alan Begay, executive director of the Navajo Nation Economic Development Department, reported on problems peculiar to a nation with 25,000 square miles and a population density of six persons per square mile, which he described as a "third world country economy". Unemployment rates range from 42.8 percent to 50 percent, with an annual per capita income of \$6,400. Because the Navajo Nation's government is replaced every four years with a new administration, the strategic plan serves as the nation's only continuity in planning. He reported on various Navajo Nation projects throughout the western states. In the coming year, it hopes to achieve the goal of 1,000 new permanent jobs through becoming more aggressive; 500 new jobs have already been created. Mr. Begay reported that the nation is 15 years behind the times in tourism; it is just beginning to build welcome centers and rest areas. The nation is also trying to erect a casino, but recently had only nine responses to its request for proposals. Mr. Begay commented on recent development efforts, including a sewing factory in Montezuma Springs, Utah, and the BCDES, Inc., facility for the retrofitting of biochemical decontamination equipment.

Senator Tsosie posed the following questions to participants in a roundtable discussion, including Mr. Begay, Mr. Case, Mr. Williams, Ms. Lerch, Ms. Tsosie and Ms. Brown-Yazzie:

1. Why have traditional food vendors and crafts people not, thus far, benefited from economic development?
2. Why have tax benefits not trickled down?
3. Why have the TANF "one stop shop" offices not been successful?
4. In education, the Gallup branch campus of UNM certifies many people in two-year programs, but this has not become an economic development incubator. Why not?
5. Why is economic development in McKinley County concentrated in Gallup?
6. Knowing that there is diversity in the area, why is there so little economic development? "Incubators" seem to be centered near New Mexico laboratories, but not in rural New Mexico. Is the prison industry the only one interested in rural New Mexico?

Representative Lundstrom, who sat as a participant in the roundtable discussion, said that in McKinley County, which has 5,000 square miles, a population of 60,000, half of its schools in corrective action, unemployment above the national average and 35 percent of residents without running water, there is a multi-jurisdictional jurisdiction so that some problems remain beyond the control of locals to address. New Mexico wants performance-based budgeting, but this is not fair to rural areas. The discrepancy between urban and rural growth patterns is escalating, she said, as the area shrinks. The task in Gallup and McKinley County is to build infrastructure and improve schools and education. There have been disappointments, including quality concerns with the branch college and its certificate programs. The recent income tax breaks in the state benefited only two constituents in Representative Lundstrom's district. Communications are difficult because of access problems and a lack of coordination. The area needs resources, industrial development, jobs and to get away from a dependency mentality. The area is committed to innovation, however, and to building its assets.

Ms. Brown-Yazzie reported that problems with the IAD include a lack of infrastructure, such as

power, water and telecommunications, and the oversight of capital outlay requests that have a \$17 million backlog. She noted that the dependency mentality is a problem, but even for those who are able to get off welfare, there are questions of how and when they can be employed in the area.

Mr. Begay said the Navajo Nation leaves things alone unless it is requested to become involved, and acknowledged that the nation could work more closely with TANF clients, the State Housing Authority and workforce development agencies. He also identified a "turf" problem between the Navajo Nation and local government. The biggest problem is a lack of development funds, which now only trickle in.

Ms. Lerch reported that she has identified problems with people not knowing how to produce, how to do outreach and marketing and how to access resources. Her group did community outreach, but, at first, people would not show up to meetings. They experienced a lack of communication and coordination. She also noted that the offices of NNMCD are in a high security area, which makes its studio space and photo lab difficult to access.

Ms. Tsosie said that she believed changing the dependency mentality starts with staff who have a fire in their bellies and a chance to be innovative. She also finds education to be essential.

Mr. Case said there are 4,000 clients enrolled in TANF, but he is aware of 24,000 TANF clients who are unenrolled. He said people are not getting benefits they deserve because the infrastructure deters people from obtaining virtually free money. He said he believes it is "us" who are the problem – that is, leadership. He said it is clear that teacher-to-student ratios matter, and that the same holds true for accessing services. There is higher quality service with better staffing. His mission is to lower the staff-client ratio. He continued by saying that economic development tools are readily available.

Senator Tsosie recessed the meeting at 5:25 p.m.

### **Wednesday, September 15 - McKinley County Courthouse, Gallup**

Senator Tsosie reconvened the meeting at 9:10 a.m.

### **GALLUP-McKINLEY COUNTY PUBLIC SCHOOLS**

The morning session focused on education issues in the Gallup-McKinley County Public Schools. Louise Benally, coordinator for bilingual education, gave a PowerPoint presentation. She reported that the PED had funded principals to apply for bilingual programs, but that most of the funding was for salaries. She presented a graph for a three-year period, which indicates that participation has been slowing since the program's inception. The area now has two Spanish and seven Navajo bilingual teachers. A survey indicated that there are problems finding qualified teachers, and that state restrictions are in place because of the federal No Child Left Behind Act. The current PED-required program consists of 45 minutes per day for native language

instruction in a "pull-out" program. Ms. Benally noted that monolingual English has more than doubled on the reservation in recent years, according to a PED "heritage" study, and that this is a contributing factor in difficulties instituting a bilingual program in the area schools. Another issue is placement tests in the Navajo language. Within two years, there should be Navajo literacy tests, and Johnson O'Malley is developing lessons for teachers and a Navajo language immersion school.

On questioning from committee members, Ms. Benally said participation has lessened each year because the bilingual program is optional, and because more people know about Spanish bilingual programs than about Navajo bilingual programs. Ms. Benally said that bilingual education is treated as an optional or extracurricular course, not a requirement. She said that nine teachers are currently in the Navajo bilingual program, about 20 teachers have retired and that approximately 600 students are currently involved as opposed to 10,000 students at a previous time. Superintendent White stated that the Native American speech and language certificate for Navajos includes a 300-word essay in the Navajo language, but noted that many Navajo speakers are not fluent in written language since the language has no written tradition.

Senator Tsosie asked that Gallup-McKinley County Public Schools meet with Central Consolidated Schools for an all-day meeting on bilingual education. He also suggested the committee consider alternative funding that would not have to fit within the confines of the current PED funding. Finally, he also asked the superintendent to forward to staff a list of arguments of why the PED programmatic restraints are wrong. He and Representative Lundstrom urged the superintendent to help the committee fix the problems ahead of the next session rather than hesitating. They asked that the district lobbyist come up with a plan for what is needed versus what is currently in place.

Community member Genevieve Jackson said that teachers are not participating in the Navajo bilingual programs because bilingual teachers are itinerant and are not assigned classrooms. She reported that many teachers are unhappy with the level of school support for the bilingual programs and with the budget for bilingual instructional materials.

Gloria Begay, coordinator for Indian education for Gallup-McKinley County Public Schools and a person involved with bilingual education for 25 years, noted that her job is to ensure that the 800 teachers in the district's 34 schools access bilingual materials. She took committee members on a virtual tour of the bilingual web site, demonstrating the "culture wheel", the curriculum guide, standards and benchmarks access, and noting that the Navajo Nation has different standards from those of New Mexico. Last year, a pilot program emphasizing native language with native history was developed, and now math and science are being added. Her budget is being cut from \$19,000 to \$8,400. She said she would submit an Indian Education Act application this year.

Dr. Ed Monahan, assistant superintendent for assessment and accountability at the Gallup-McKinley County Public Schools, presented the district's "adequate yearly progress" (AYP)

scores. The goal in the coming year is for 38.3 percent of students to be proficient in math. At present, the language proficiency is low, as an estimated 40 to 45 percent of the population in the district qualifies as English Language Learners (ELL) and 20 to 25 percent are behind in English. The percentage of schools meeting AYP this year was 39 percent (13 of 32 schools), and the poorest students missed making AYP by the largest percentages. One of the middle schools made AYP, and the district plans an appeal. Attendance and participation at the middle school level is a real problem as 95 percent of each subpopulation must participate in the annual tests. At the high school level, Native American math and language groups are not performing up to standards, though the percentage of students proficient in language arts is improving.

Community member Frank Walleto spoke about a conflict between Cuba Independent Schools and the local district, which arose when a new school was built. Now, according to Mr. Walleto, the Cuba school district has banned Gallup-McKinley County Public School buses from crossing into its district. PED transportation director Gilbert Perea said he would clarify with the Cuba superintendent that Cuba must permit the buses to travel through. Senator Tsosie asked that Mr. Perea write a letter to the committee about bus routes and any needed legislation to promote cooperation between districts on behalf of students who have moved from one district to another. Noting that it is inappropriate for districts to be arguing about boundaries while ignoring the needs of children who want to attend school, he said the district boundary issue should be discussed at the committee's last meeting.

Community members addressed the committee, presenting on behalf of the Indian Education Committee a list of 10 concerns about the Gallup-McKinley County Public Schools, about bilingual education funding and about school construction. Senator Tsosie asked that the list of concerns be presented to the district school board, that the school district present the Indian Affairs Committee with a detailed organizational chart indicating which positions are held by Navajo teachers and administrators, and referred one speaker to the Office for Civil Rights.

Elvira Largie from the Navajo Education Technology Consortium distributed portfolios to the committee members that demonstrate a conceptual framework in use in 23 school districts that uses U.S. Department of Education funds. Ms. Largie demonstrated the Beauty Way lessons, which include character and beliefs, community and culture. The highest priority funding is for telecommunications services, followed by Internet access services. The budget for years one through four is for \$3.1 million, but the consortium has not yet received its funds.

## **PITTSBURGH AND MIDWAY COAL MINING COMPANY RECLAMATION PROJECT — MCKINLEY NORTH MINE**

John Plummer from the Dine' Coal Mine Coalition, Frank Rivera, senior mine engineer for the Pittsburgh and Midway (PM) Coal Mining Company, and Russ Porter, surface mine reclamation specialist with the Albuquerque Office of the Surface Mining Reclamation and Enforcement Section of the U.S. Department of the Interior, discussed issues related to the closure of the PM mines in the Gallup area. Mr. Plummer stated that the original holders of the grazing rights on lands leased to PM for mining purposes were entitled to get that property back, including

improvements made to that property. His group has tried to deal with the Navajo Nation on this matter but has gotten nowhere. There are at least four Navajo Nation chapters that are interested in claiming portions of the leased land and improvements.

Mr. Rivera gave a report to the committee on the history of the PM mines in the Gallup area. He explained how the state was responsible for monitoring the closure of the south mine in the so-called checkerboard area while the federal government was responsible for the north mine, which is located entirely on the Navajo reservation. He explained the general requirements for closing the mines and the reclamation of leased lands. The improvements on the leased land, including buildings and railroad spurs, must be removed unless the Navajo Nation, as lessor, approves the retention of such facilities. Mr. Porter explained the role of the federal government in certifying the proper reclamation of former mining properties.

Members of the committee asked whether a performance bond had been issued for the leased lands. Senator Tsosie asked Mr. Russell to provide copies of old lease agreements to committee staff. Community member Genevieve Jackson raised the problem that permit holders are not notified of meetings about the land they believe will revert to them. Senator Tsosie recommended that Representative Lundstrom write the president and appropriate committees of the Navajo Nation, PM, the U.S. government and others regarding concerns about the House Joint Memorial, sending cover copies to Governor Richardson and to the Navajo Nation.

## **PREDATORY LENDING**

Representative Lundstrom circulated her October 16, 2003 letter to the Commission on Civil Rights raising the issue of predatory lending in the Gallup-McKinley County area. She discussed the problem of predatory lenders. Such businesses, which lend money at usurious interest rates to people who do not necessarily understand what high rates they will be paying, now form the fastest growing industry in Gallup. Representative Lundstrom also discussed the provisions of legislation that she had introduced in the 2003 legislative session but that did not pass. She has recommended that the city of Gallup pass an ordinance making the lenders a nuisance business like pornography shops, and three cities are considering such an ordinance. She also distributed copies of newspaper feature stories about the widespread problem.

Ray Prushnok, a consumer advocate with the New Mexico Public Interest Research Group, and Clarice Getz, chair of the American Association of Retired Person (AARP) Consumer Team, gave a presentation regarding legislation that caps the interest rates that lenders are permitted to charge borrowers. The advocates said they congratulated Representative Lundstrom on her work, but oppose her bill because limits on the number of rollovers have proven ineffective in dealing with predatory lending practices in Oklahoma and Texas. Senator Tsosie suggested that the advocates work with staff on versions of legislation to regulate the predatory lenders, including an interest cap and a limit on loan rollovers. The committee can then consider its options and vote on which to support in November. Bill Jordan, executive director of New Mexico Voices for Children, addressed the committee, stating that predatory lenders nullify the purpose of the federal earned income tax credit, a credit that has been the single most effective

way to get children out of poverty. He recommended that the legislation amend the New Mexico Small Loan Act of 1955 or the usury laws.

## **ALCOHOL-RELATED ISSUES**

Barry Butler, president of the Na'nizhoozhi Center, Inc., (NCI), announced a first-ever collaboration with the Navajo Nation that affects families, communities, housing and jobs. However, NCI is no longer allowed to hold clients involuntarily for a five-day treatment or intervention, which is posing a problem for clients with intoxication problems. Representative Lundstrom requested staff to research ways that NCI can place a long-term hold on clients after passage of the new law, especially as the committee has had conflicting reports on the limits of involuntary holds that are permitted. NCI reported that the maximum hold now is for 12 hours, though it can take that long for a person's body to detoxify. With the five-day hold, clients get monitoring, food, counseling and a place to rest; they are released when the toximeter is at zero.

Jim Harlin, director of the Community Pantry, noted that his organization distributed \$3 million in food leveraged on only \$150,000 in cash, that his center is affected by alcoholism and predatory lending and that 80 percent of its clients are Native American. His organization distributes food across an area covering 16,000 square miles, and he compared financial assistance received by the Santa Fe food bank. He asked for help on behalf of a new nonprofit, Care 66, which is an offshoot of the mayor's Alcoholism Task Force. Care 66 plans a drop-in center where homeless clients can spend the day, where Presbyterian Health Services will offer health and dental services and where laundry facilities will be available. The group is working with the city of Gallup and U.S. Representative Tom Udall on a \$100,000 funding package. It also is working with the Mortgage Finance Authority on a start-up grant of \$10,000 on ways to access federal dollars. He noted that statistics have shown that sobriety eliminates 90 percent of homelessness within 10 years.

## **APPROVAL OF MINUTES**

Senator Tsosie called for approval of the August Indian Affairs Committee minutes at 4:30 p.m. on Wednesday, September 15, 2004, and the minutes were approved without opposition.

## **GALLUP CENTER FOR INDEPENDENT LIVING**

Sherry Watson, director of the San Juan Center for Independence, discussed the situation of people with disabilities on tribal lands. New program manager Don Schmidt, new program coordinator Judy Myers and Doug Holstoi have been working on providing services. Doris Dennison described her personal experience of being essentially a prisoner in her own home until the center helped her make her home wheelchair accessible. The center will request \$65,000 for its independent living center, which will be matched by the Navajo Nation. On questions from Representative Begaye, the center said that problems with its elder center have been ironed out. Senator Tsosie asked staff to research whether the center should qualify for Department of Health funding, or whether there would be an anti-donation clause problem in its

receipt of funds. Representative Salazar noted that capital outlay may need to be involved through the Department of Vocational Rehabilitation (DVR) structure. He suggested that working with DVR through the capital outlay process may be the most effective way to get the work done.

Senator Tsosie recessed the meeting at 5:45 p.m.

#### **Thursday, September 16 - Twin Lakes Chapter, Navajo Nation**

Senator Tsosie reconvened the meeting at 9:10 a.m. in the Twin Lakes Chapter House.

#### **TWIN LAKES CHAPTER, NAVAJO NATION — STATUS UPDATE**

Twin Lakes Chapter Vice President Notah Barney addressed the committee, as did Navajo Nation Council Chapter Delegate Norman John, II. Mr. Barney announced that a target date for dedication of the new senior center is set as by November 27 and that landscaping and paving of the parking lot still needs funds. Future plans include a new multipurpose building, space for a flea market and a baseball park for families. Mr. John said that the center would need only approximately \$180,000. Representative Lundstrom stressed that only the operational funds for the Twin Lakes Chapter House are at issue. Representative Lundstrom requested that the committee write a letter about the importance of capital outlay requests for senior centers, such as that being built at Twin Lakes, and to request a feasibility study. She said that last year there was funding to do a feasibility study, but that she has not heard about the status of that study. She asked IAD staff to investigate the status of the feasibility study. Legislative Council Service staff was requested to check with the new secretary of aging and long-term services about the possibility of including money for the Twin Lakes Community Chapter in the senior citizen budget.

#### **DISTRICT 14, NAVAJO NATION CHAPTER PRESENTATION**

Richard Bowman, president of the Mexican Springs Chapter, introduced Peter Watchman from the same chapter. Mr. Bowman reported on the importance of economic development and land use planning. He noted that there is road construction coming over from the Navajo Nation now, and that the chapter will eventually have a boating dock and recreation area. The chapter is also working for a four-lane highway, a fire station, a police substation and a postal facility at the junction of the highways. He said that a walkway built for the elderly at a cost of \$12,000 is in regular use as the elders exercise on it. IAD staff was requested to ensure — before the beginning of the session — whether funds for the senior citizen center are included in the appropriations bill and to ensure that there is no delay. Senator Tsosie requested that the chapter come up with the top two or three funding priorities for the committee's use. Mel Begay, a chapter representative, noted that the two items would be power and water lines.

#### **ZUNI ECONOMIC DEVELOPMENT**

Andrew Othole, director of the Office of Planning and Development for the Pueblo of Zuni, reported on works in progress and works completed, and documented his report with handouts. The handouts are in the committee file. A discussion ensued on TANF funding for the Navajo Nation and Pueblo of Zuni, given the sovereignty problems in spending state maintenance of effort (MOE) funds for tribal projects. Mr. Othole said the Pueblo of Zuni signed agreements, basing its request on information from federal dollars supplemented because of projections. The Pueblo of Zuni's plan is to use the funds to supplement its dollars while it finds other money through the IAD. The committee requested that TANF be a discussion issue on its agenda and that staff get Human Services Department representatives from the state as well as from the Navajo Nation to explain the problem.

## **TESTING OF HOMES BUILT WITH RADIOACTIVE MATERIALS**

John Sink, site manager of the Office of Legacy Management with the U.S. Department of Energy, gave a presentation on the transfer of site management and monitoring for former uranium mining sites. The Uranium Mill Tailings Radiation Control Act Program, which was in effect from 1978-98, performed and certified cleanup of some sites. Other sites, which have not been certified, are being transferred to the Nuclear Regulatory Commission for certification. When the Nuclear Regulatory Commission is satisfied with the cleanup, these sites will be turned over to the Office of Legacy Management.

Discussion ensued on who has the responsibility for remediation on uranium mining sites, and on whether contracts are specific enough on private responsibility for cleanup and remediation. Mr. Sink acknowledged that it is possible for people to be unaware of the government cleanup efforts, since public meetings on the cleanup efforts of the 1970s and 1980s were advertised primarily in newspapers. People who did not recognize that they may have uranium tailings may not have known to worry, and all cooperation was voluntary. Under such a system, he said, it is possible not to get all the radioactive materials identified or cleaned up. Mr. Sink's agency does not do air cleanup, but posts signs, checks sites when flooding has occurred and monitors the sites. He recommended talking to Colorado about its state monitoring funding.

Senator Tsosie recommended that the committee send a letter to the congressional delegation requesting a federal survey of all homes in northwestern New Mexico, since people may have missed an opportunity to report or be tested between 1978-98. Homes have never been monitored, according to Mr. Sink. Representative Lundstrom recommended that the letter on the issue be prepared and raised during the committee's October meeting with the congressional delegation. Representative Salazar noted that other places have had independent verification of cleanup efforts, and this oversight mechanism may be important.

Michael Taylor, radon outreach coordinator for the Department of Environment, appeared before the committee and explained that radon is a naturally occurring gas that can build up in homes. He distributed free test kits, and let committee members know that his agency can make such kits available to anyone for no cost. His primary goal is to increase public awareness of the problem. He has some demonstration project resources for helping people fix their homes if they discover

high radon levels. A discussion ensued on tactics for getting the gas to dissipate, and on remediation and reclamation.

Senator Pinto adjourned the meeting at 1:30 p.m.